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14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 TAMILENE TANYA PEREZ,
17 Plaintiff,
18 v.
19 TIMOTHY TWYFORD; J.B. HUNT
20 TRANSPORT, INC.; DOES I-X, inclusive, and
21 ROE CORPORATIONS I-X, inclusive,
22 Defendant.

23 CASE NO.:2:18-cv-00034-APG-VCF

24 **STIPULATION AND (~~PROPOSED~~)**
ORDER TO EXTEND DISCOVERY
DEADLINES

25 **[SECOND REQUEST]**

26 The undersigned, on behalf of Plaintiff, Tamilene Tanya Perez, and Defendants,
27 Timothy Twyford and J.B. Hunt Transport, Inc., hereby stipulate to extend the remaining
28 deadlines in the current scheduling order and discovery plan in this matter for a period
of sixty (60) days for the reasons explained herein, and under Local Rule 6-1(b).

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DISCOVERY COMPLETED TO DATE

(list individually and include date document was served)

1. The Parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
2. Plaintiff's Request for Admission to Defendant J.B. Hunt Transport, Inc.;
3. Plaintiff's Request for Production of Documents to Defendant J.B. Hunt Transport Inc.;
4. Plaintiff's Interrogatories to Defendant J.B. Hunt Transport, Inc.;
5. Plaintiff's Request for Admission to Defendant Timothy Twyford
6. Plaintiff's Request for Production of Documents to Defendant Timothy Twyford;
7. Plaintiff's Interrogatories to Defendant Timothy Twyford;
8. Defendants' First Set of Interrogatories to Plaintiff Tamilene Tanya Perez;
9. Defendants' First Set of Requests for Admissions to Plaintiff Tamilene Tanya Perez;
10. Defendants' First Set of Request for Production to Plaintiff Tamilene Tanya Perez;
11. Plaintiff's Responses to Defendant's First Request for Admissions to Plaintiff;
12. Plaintiff's Responses to Defendant's First Request for Production of Documents to Plaintiff;
13. Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff;

1 14. Defendant J.B. Hunt Transport, Inc.'s Answers to Plaintiff's First Set of
2 Interrogatories;

3 15. Defendant J.B. Hunt Transport, Inc.'s First Supplemental Answers to
4 Plaintiff's First Set of Interrogatories;

5 16. Defendant J.B. Hunt Transport Inc.'s Responses to Plaintiff's Request for
6 Admission;

7 17. Defendant J.B. Hunt Transport, Inc.'s Reponses to Plaintiff's Request for
8 Production of Documents;

9 18. Defendant Timothy Twyford's Answers to Plaintiff's Interrogatories;

10 19. Defendant Timothy Twyford's Answers to Plaintiff's Request for
11 Admission;

12 20. Defendant Timothy Twyford's Responses to Plaintiff's Request for
13 Production of Documents;

14 21. Plaintiff's Deposition;

15 22. Defendant Timothy Twyford's Deposition;

16 **II.**

17 **DISCOVERY TO BE COMPLETED**

18 1. Additional written discovery;
19 2. Deposition of Defendant's FRCP 30(b)(6) witness;
20 3. Initial Expert Disclosures;
21 4. Rebuttal Expert Disclosures; and
22 5. Dispositive Motions.

III.

REASON THAT DISCOVERY HAS NOT YET BEEN COMPLETED

Parties require additional time as Defendant J.B. Hunt's Motion to Quash
30(b)(6) Deposition and for Protective Order is pending.

The Local Rules of the United States District Court for the District of Nevada include additional provisions relating to the extension or reopening of discovery. Specifically, Local Rule 6-1 governs requests for continuances and extensions in general, stating:

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be Filed by the clerk and processed as an expedited matter. Ex parte motions and stipulations shall be governed by LR 6-2.

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS (Second Request)

(c) The court may set aside any extension obtained in contravention of this rule.

(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

Local Rule 26-4 specifically refers to the extension of scheduled deadlines, stating:

Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the

extension. All motions or stipulations to extend discovery shall be received by the court within twenty (20) days before the discovery cut-off date or any extension thereof.

Any motion or stipulation to extend or to reopen discovery shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why discovery remaining was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all remaining discovery.

1. *No Party Will Be Prejudiced in Any Manner By an Extension of the Discovery Period.*

No party will be prejudiced by an extension of the discovery deadline. Notably, both Parties agree that an extension would be beneficial. An extension will allow each party to further prepare its respective case for trial. Forcing the Parties to proceed to trial without the necessary discovery will affect every aspect of the trial. It will manifestly prejudice both sides ability to prepare and present their respective cases. See *Martel v. County of Los Angeles*, 34 F.3d 731, 735 (9th Cir. 1994).

2. *The Movant Acted in Good Faith at All Times.*

Here, both Parties are agreeable to the extension and have acted in good faith to request the same. The Parties have no intent, nor reason, to delay the resolution. Both Parties eagerly looked forward to attempting to resolve this matter.

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3 **PROPOSED NEW DISCOVERY DEADLINES**

3	Amend Pleadings	November 6, 2018
4	Interim Status Report	November 6, 2018
5	Discovery Cut-off	January 4, 2019
6	Expert Disclosures	November 6, 2018
7	Expert Rebuttal	December 7, 2018
8	Dispositive Motions	February 8, 2019
9	Joint Pretrial Order	March 8, 2019

10 DATED this 24th day of August, 2018.
11 **DE CASTROVERDE LAW GROUP**

12 By: /s/ David Menocal
13 David Menocal
14 Nevada Bar No. 13191
15 1149 S. Maryland Pkwy.
16 Las Vegas, Nevada 89104
17 Attorney for Plaintiff

18 DATED this 24th day of August 2018.
19 **THORPE SHWER, P.C.**

20 By: /s/ William Thorpe
21 William L. Thorpe
22 Arizona Bar No. 005641
23 3200 North Central Ave., Suite 1560
24 Phoenix, Arizona 85012
25 Attorney for Defendants

26 IT IS SO ORDERED:

27 
28 UNITED STATES MAGISTRATE JUDGE
DATED: 8-24-2018

29 If dispositive motions are filed, the deadline
30 for filing the joint pretrial order will be suspended until 30 days after
31 decision on the dispositive motions or further court order.